

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:08-CR-089

WILLIAM ROGERS

DEFENDANT

DEFENDANT'S OBJECTIONS TO PRESENTENCE REPORT

1.

The Defendant would object to the information contained in Paragraphs 8 through 18 on Pages 6 through 8 wherein the "Offense Conduct" is described by the Presentence Report writer. The Defendant would show that the writer did not adequately describe the extent of Jimmy Dale Hunsucker, Jr.'s conduct at the Tippah County Detention Center on June 9, 2007. Attached hereto and marked Exhibit "A" is a true and correct copy of Officer Karl Gaillard's report. Attached hereto and marked Exhibit "B" is a true and correct copy of Officer Ramon Rangel's report. Attached hereto and marked Exhibit "C" is a true and correct copy of Officer Ken Walker's report. Counsel for the Defendant would apologize to the Court for the profanity contained in these reports, but they accurately reflect the statements made by Jimmy Dale Hunsucker and his conduct at the Tippah County Detention Center.

2.

The Defendant would object to the information contained on Page 8, Paragraph 19 wherein the Presentence Report writer lists Jimmy Dale Hunsucker Jr.'s letter verbatim to the Court. The Defendant would admit that he committed the crime for which he plead to, but would deny the

exaggerations by Mr. Hunsucker. We would again reference the Court's attention to attached Exhibits A, B and C.

3.

The Defendant would object to the information contained on Page 19, Paragraphs 76 and 77. The Defendant would show that the factors listed in 18 U.S.C. 3553(a) would warrant a possible departure in this particular case. The Defendant would further argue that the United States Sentencing Guidelines are advisory pursuant to the case of *United States v. Booker*, 53 U.S. 220 (2005).

4.

The Defendant would show that he reserves the right to make other objections at the time of sentencing.

Respectfully submitted, this the 13th day of March, 2009.

/s/ ANTHONY L. FARESE

ANTHONY L. FARESE

MSB# 5133

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Anthony L. Farese, do hereby certify that I have this day forwarded a true and correct copy of the above and foregoing Defendant's Objections to the Presentence Report to the following:

by electronic filing, to:

Honorable Michael P. Mills
Chief United States District Judge
911 Jackson Avenue, Suite 137
Oxford, Mississippi 38655

Honorable Kathleen J. Monaghan
Trial Attorney
United States Department of Justice
Civil Rights Division-Criminal Section
601 D Street, NW
Washington, DC 20530

Honorable Rob Coleman
Assistant U. S. Attorney
900 Jefferson Avenue
Oxford, Mississippi 38655-3626

Honorable Valarie F. Peters
United States Probation Officer
United States District Court
911 Jackson Avenue E., Suite 273
Oxford, Mississippi 38655

This the 13th day of March, 2009.

/s/ ANTHONY L. FARESE